

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 22, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler and Dianne Moran, Planning and Zoning Officers; Steven Stepanian, Attorney; Louis Caputo, Attorney; and Mike Biko.

Pledge of Allegiance

Mr. Blain led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the December 11, 2007 workshop, and December 18, 2007 business meetings. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

None was presented.

Chairman and Board Member's Comments

None was presented.

Manager's Report

Mr. Wolfe noted that the Police Department will conduct a Citizen's Police Academy, starting March 20, 2008, for citizens 18 years of age and older. He noted that applications for the Police Academy can be found on the Township's webpage, or by calling the Police Department

directly. He noted that the class is limited to 20 students, and will run for ten Thursday nights. He noted that the training focuses on police operations both within the Department and also Dauphin County Operations. He noted that a hands-on firearms simulation training session will be held. In addition, officers from the Department will speak on subjects such as the vehicle code, patrol functions, traffic safety and criminal investigations.

Mr. Wolfe noted that the Township's Compost Facility will remain open on Tuesdays, Thursday, and Saturdays until the end of January, weather permitting. He explained that the reason for the extra hours of operations is due to the ice storm that occurred in late December.

Mr. Wolfe noted that the Friendship Center will sponsor the 5th Annual Family Night on Sunday, March 2, 2008 at 5 p.m. The Family Night event will include food, local elementary school chorus presentation, and other activities. He noted that all proceeds from the evening's events will benefit the Friendship Center Scholarship Fund.

Mr. Wolfe noted that the Friendship Center celebrated its 8th Birthday on Sunday, January 20, 2008. He noted that event started at 1 p.m. and a large segment of the community attended the event.

Boy Scouts and Girl Scouts

Mr. Hawk introduced the members of Boys and Girls Scout troops attending the meeting.

Mr. Hawk introduced Junior Troop 792 Leader Molly Stanton, and Alycia Reynolds, Courtney Kerns, and Courtney Stevens, who are present working on their Community Badge.

Mr. Hawk introduced Boy Scouts from Troop 302, St. Mark's Lutheran Church, who were in attendance to work on their Communications Badge. He noted that the Troop leaders in attendance were Regis Dole and Nada Ahearn as well as the following Boy Scouts: Jeffery Ahearn, David Wilson, Patrick Doyle, George Raber, and Christian Johnson.

OLD BUSINESS

Appointment to the Parks and Recreation Board

Mr. Hawk noted that there are two vacancies for the Parks and Recreation Board, and the two members whose terms have expired have asked to be reappointed to the Board. Mr. Hawk noted that Robert MacIntyre and Neil Johnson are to be reappointed for a five-year term to the Board. A unanimous affirmation by Board members occurred.

Designation of a Township Depository

Mr. Hawk explained that the Township appointed an Audit Committee in accordance with keeping with the recent legislation known as Sarbanes-Oxley Act that requires the Township to operate within certain standards. He noted that the Audit Committee made a recommendation to the Board of Supervisors that the Township change their depository to M&T Banks.

Mr. Wolfe explained that the Audit Committee reviewed proposals from several banks and at its January 15, 2008 meeting, it made a recommendation to forward to the Board of Supervisors, that they appoint M&T Bank as the Township depository.

Mr. Blain made a motion to appoint M&T Banks as the Township's Depository. Mr. Crissman questioned if Mr. Blain wanted to include in the formal motion that it was conditioned upon receiving the response from M&T Bank that the investment account offered to the Township contained no fees. Mr. Blain responded that he would include that in his motion. Mr. Crissman noted that he would second the motion, as well as the information regarding the lack of fees.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Hawk, aye.

Resolution 06-22; Accepting revised job descriptions for non-uniformed employees as part of the Non-Uniformed Employee Personnel Policy Manual

Mr. Hawk explained that the Board needs to approve the job descriptions for non-uniformed employees. He noted that the document is rather lengthy, and has been reviewed by the Board members. He noted that the public is welcome to come to the Municipal Center to review the job descriptions.

Mr. Blain made a motion to approve Resolution 06-22, accepting the revised job descriptions for non-uniformed employees as part of the Non-Uniformed Employee Personnel Policy Manual. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

Authorization to participate in the Capital Region Council of Governments' legal challenge of the DEP Chesapeake Bay Strategy

Mr. Wolfe explained that the Capital Region Council of Government (CAPCOG) has requested the Township to participate in a legal challenge of the Department of Environmental Protection (DEP) Chesapeake Bay Strategy to reduce phosphorus and nitrogen emissions to the Chesapeake Bay. He noted that neither the Township nor the CAPCOG is in opposition to the reduction of nitrogen or phosphorus into the waters of the Commonwealth and then into the Chesapeake Bay, however, many municipalities question the strategy developed by DEP. He explained that the strategy focuses a significant amount of its attention and costs for improvement upon waste water treatment plants and leaves a far greater polluter, the agricultural industries, without any significant regulations for improvement in their practices to reduce the nitrogen and phosphorus to the waters of the Commonwealth.

Mr. Wolfe explained that if the Township chose to participate in the legal challenge, it would agree to a contribution of \$2,000 to the legal fund which would be managed by CAPCOG. He noted that the Township became a member of the West Shore Council of Governments in the

year 2005, and since it included many members from the East Shore, it decided to change its name to the Capital Region Council of Governments. He noted that the Township Authority has had to raise its rates, on several occasions, partially to be in compliance with the Chesapeake Bay Initiative, as well as to pay for the increase costs to treat the waste water at the Harrisburg and Swatara Treatment Plants.

Mr. Wolfe noted that the question before the Board members is if they wish to participate in CAPCOG's legal challenge for the Chesapeake Bay Strategy promoted by DEP.

Mr. Crissman noted that it was good that Mr. Wolfe clarified that the Township does not oppose the cleanup process, but more so the strategy. He made a motion to approve the participation of the Township with the CAPCOG legal challenge against DEP's Chesapeake Bay Strategy in the amount of \$2,000. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Hawk, aye.

Action on an agreement with the Humane Society of Harrisburg Area, Inc.
for the collection and housing of stray animals

Mr. Hawk noted that the agreement with the Humane Society of Harrisburg Area, Inc. for the year 2008 is a significant increase over the past year.

Mr. Wolfe explained that the costs for services in the previous year from the Humane Society were approximately \$12,000. He noted that the cost proposed under the 2008 Agreement is \$32,963.59. He noted that this is the minimum fee, with additional fees in regards to certain other activities that are listed within the contract. He noted that the Board members have questioned the dramatic increase in costs as well as numerous other local municipalities. He noted that, at this point in time, there is no other solution for the collection of stray animals. He noted that the Township has not paid the fee for this year, and as such, the Humane Society has refused to accept animals from the Township. He noted that the Board does not have another

service provider at this time; however, he would suggest that the Capital Region Council of Governments could study an alternative solution for the collection and disposal of animals.

Mr. Wolfe noted that the agreement is before the Board for their action.

Mr. Hawk noted that the fees were calculated on previous animals collected and the fees to collect a dog is \$115, a pit bull is \$ 250, and a cat is \$127.

Mr. Crissman questioned what the percentage of increase this contract is from last year's contract. Mr. Blain answered that it is an increase of 175%. Mr. Crissman noted that it is a necessary service, but unfortunately, the taxpayers are forced to pay this increased cost.

Mr. Crissman made a motion to approve the 2008 agreement with the Humane Society of Harrisburg Area, Inc. for the collection and housing of stray animals in the amount of \$32,963.59. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Hawk, aye.

NEW BUSINESS

Resolution 08-02; Approving the transfer of a liquor license (R-11865) into the Township for Charlie B's, LLC at 4332 Linglestown Road

Ms. Moran explained that the Township received a request from Caputo and Caputo Law Office to transfer Liquor License R-11865 from the Township of Swatara into Lower Paxton. She noted that the license was issued to Remy's Seafood and Italian Restaurant, Inc., 3451 Paxton Street, Harrisburg, PA 17111, for use in Swatara Township and will be transferred to Charlie B's, LLC, Parcel #35-009-158, Linglestown Road, Harrisburg, PA 17112.

Ms. Moran noted that the correspondence from Attorney Louis Caputo is included in the Board's packet. She noted that the Public Notice was printed in The Patriot-News regarding the Public Hearing on January 7, 2008 and January 14, 2008.

Ms. Moran noted that Attorneys Steven Stepanian and Louis Caputo, as well as the applicant, Mr. Biko are present.

Mr. Stine noted that this was the time and date set for a Public Hearing on Resolution 2008-02, which would approve the transfer of liquor license R-11865 into the Township for Charlie B's, LLC at 4332 Linglestown Road.

Mr. Stine questioned if the applicant was present and requested him to go to the podium to make his presentation. Attorney Steven Stepanian noted that he is the General Counsel, for Charlie B's, LLC, for the liability company, and also for Mr. Biko's other financial interests in the United States and the U. S. Virgin Islands. He noted that this is an application for a transfer of a liquor license into Lower Paxton Township.

Mr. Stepanian explained that Charlie B's, LLC, is planning to build a \$6 million restaurant with 500 seats on a nine and half acre tract of land bordered by Linglestown, Colonial and Patton Roads. He noted that Mr. Biko purchased the land last year for \$2.5 million. He noted that the restaurant is named Charlie B's in honor of Mr. Biko's father, Charles, who always wanted to own an elegant restaurant. He explained that Mr. Biko had been elected to the Pennsylvania Sports Hall of Fame, and it will not become a Sports Bar. He noted that it would be an elegant two-story restaurant facing the Blue Mountain, and explained that the first floor will provide informal dinning, and the second floor will be formal dinning requiring men to wear a jacket.

Mr. Stepanian noted that the Lower Paxton Township Planning Commission approved the plan.

Mr. Stepanian explained that no financing will be required for the restaurant, as well as any governmental aid, taxes abatements, no special provisions at all. He noted that Mr. Biko will finance the entire project.

Mr. Stepanian noted that the financial benefits to the Township will be the employment of more than 200 people; supplies and goods will be purchased from local vendors.

Mr. Stepanian noted that Attorney Louis Caputo has been retained as special counsel by Charlie B's, LLC for all Liquor Control Board issues.

Mr. Charles Caputo noted that he is present on behalf of Charlie B's, LLC, to obtain a Resolution from Lower Paxton Township in order to apply for the transfer of a liquor license into the Township. He noted that the license is being transferred from Swatara Township and, to the best of his knowledge; there are no pending citations on the license that would prohibit the license from being freely transferred by the Liquor Control Board. Mr. Crissman questioned if the license is free and clear. Mr. Louis Caputo stated that it is. Mr. Crissman noted that Mr. Caputo stated that to the best of his knowledge, the license was free and clear. Mr. Caputo noted that to the best of his knowledge there are no pending citations on the license. Mr. Crissman questioned when Mr. Caputo would know if the license is free and clear. Mr. Caputo noted that he has personal knowledge that the license is free and clear since he bought the license out of a bankruptcy. He stated that it is 100% clear.

Mr. Stine questioned if anyone in the audience wished to be heard on Resolution 2008-02. He noted that since there was no response, it would be appropriate to close the Public Hearing on Resolution 2008-02; and the Board may take action if it so desires.

Mr. Blain made a motion to approve Resolution 2008-02 approving the transfer of a liquor license (R-11865) into the Township for Charlie B's, LLC at 4332 Linglestown Road. Mr. Crissman seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Hawk, aye.

Resolution 08-03; Approving the transfer of a liquor license (R-17358) into the Township for J&E Tran, Inc. at 2308 Patton Road, Suite A

Mr. Hawk noted that this item was pulled from the agenda at the request of the applicant.

Ordinance 07-16; Amending the zoning designation of a portion of Chateau Woods
Subdivision from Business Campus to Medium Density Residential

Ms. Wissler noted that the Township has proposed an amendment to the Township's Zoning Map for properties located south of Linglestown Road, Parcels 35-129-001 through 35-129-041, 35-011-074 and 35-011-082. The properties are currently zoned BC, Business Campus District. The amendment would rezone these properties to R-2, Medium Density Residential District.

Ms. Wissler noted that the property is abutted to the north, east, and west, by the Business Campus District, and to the south, by the R-1, Low Density Residential District and R-2, Medium Density Residential District. She explained that the 2004 Comprehensive Plan's Future Land Use Map shows the area to be Low/Medium Density Residential and High Density Residential, and the existing uses of the properties are the townhouses in the Kings Pointe Development, as well as two vacant parcels to the south.

Ms. Wissler noted that Staff recommends the zoning of the property be changed to R-2, Medium Density Residential.

Ms. Wissler explained that the Dauphin County Planning Commission reviewed this matter on November 5, 2007, and recommended approval of the proposed zoning change. In addition, the Lower Paxton Township Planning Commission reviewed this matter on November 4, 2007, and recommended approval of the application.

Ms. Wissler noted that on January 7, 2008 and January 14, 2008, a public notice appeared in The Patriot –News indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 07-16 on January 22, 2008. In addition, on December 21, 2007, the Township mailed notices to property owners surrounding the area of the proposed rezoning. The notice indicated that the Board would consider the rezoning at a public hearing on

January 22, 2007. On January 15, 2008, notices were posted on the parcels being considered for rezoning.

Mr. Crissman noted that the Ordinance lists the property as Chateau Woods, but the agenda titles the property as Kings Point. He questioned what the proper name for the land is. Ms. Wissler answered that the subdivision plan was for Chateau Woods, but the name was changed to Kings Point. Mr. Crissman questioned how the plan would be recorded for the Ordinance. Ms. Wissler answered that the recorded plan is Chateau Woods, and it would be good to list both names.

Mr. Stine noted that this was the time and date set for the public hearing on Ordinance 2007-16 that would amend the zoning designation of a portion of the Chateau Woods subdivision from Business Campus to Medium Density Residential. He questioned if anyone in the audience wished to be heard on Ordinance 2007-16. Mr. Stine noted that since there was no response, it would be appropriate to close the public hearing on Ordinance 2007-16, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 2007-16, amending the zoning designation of a portion of the Chateau Woods/Kings Point, Bordeaux Court and Versailles Drive subdivision from Business Campus to Medium Density Residential District. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye, Mr. Crissman, aye; Mr. Hornung, nay, and Mr. Hawk, aye.

Change Order #2; Jonestown Road guide rail replacement contract with Collinson, Inc.

Mr. Wolfe explained that the change order for the Jonestown Road guide rail replacement contract with Collinson, Inc., before the Board members includes a delete item for grout in the amount of \$498; a add item in regard to some lineal feet of guide rail in the amount

of \$324; and a add item for cutting three rail panels and assembly in the amount of \$200. He explained that the total amount for the change order is a net amount of \$26. He noted that staff requests the Board approve the change order.

Mr. Blain made a motion to approve Change Order 22 for the Jonestown Road guide rail replacement contract with Collinson, Inc., in the amount of \$26. Mr. Crissman made a point of clarification that there was a typographical error on the agenda, and it should state that it is Change Order #2. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Improvement Guarantees

Mr. Hawk noted that there were two improvement guarantees for consideration.

Commerce Bank

A release in a letter of credit with Commerce Bank in the amount of \$296,702.70.

Patton Place

A reduction in a letter of credit with Integrity Bank in the amount of \$3,480.00 with an expiration date of May 15, 2008.

Mr. Blain made a motion to approve the two listed improvement guarantees as presented. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

Payment of Bills

Mr. Hawk made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting.

Mr. Blain seconded the motion, and the meeting adjourned at 8: 10 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary